

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JAVIER LUIS,

Plaintiff,

v.

Case No. 8:12-cv-500-T-33AEP

JOSPEH C. ZANG, ET AL.,

Defendants.

_____/

ORDER

This matter comes before the Court pursuant to Plaintiff's Motion for Leave to Consolidate Pending Motions in Previous Case (Doc. # 20) and Plaintiff's Motion for Extension of Time to Serve Process on All Un-Served Defendants in Lead Case (Doc. # 21), each filed on July 2, 2012.

Discussion

On June 28, 2012, this Court entered an order consolidating the present case with case 8:12-cv-954, a later filed and similar case. (Doc. # 17). The Court closed case 8:12-cv-954, designated the present case as the Lead Case, and indicated that the parties may file any previously asserted motions in the Lead Case by July 16, 2012. Id.

In order to streamline the proceedings and in light of the fact that there are multiple versions of the complaint on the record between case 8:12-cv-954 and the Lead Case, and because different Defendants have been sued under different

versions of the complaint, the Court directs Plaintiff to file an amended complaint (the "Controlling Complaint") by July 20, 2012. The Controlling Complaint should encompass each and every cause of action that Plaintiff wishes to pursue against each and every Defendant Plaintiff wishes to sue.

In addition, as Plaintiff is proceeding in forma pauperis, the Court finds it appropriate to direct the Marshals to serve the Controlling Complaint on Defendants. Furthermore, the Court determines that Plaintiffs' Motions should be granted. Plaintiff is granted leave to file a consolidated motion, rather than filing the individual motions previously asserted in case 8:12-cv-954. In addition, as the Court has directed the Marshals to effect service of the Controlling Complaint, the Court grants Plaintiff an extension of the 120-day deadline for effecting service on Defendants until such time as the Marshals effect service, but not later than 90 days from the date of this Order. The procedural complexity of this case and the involvement of the Marshals justifies such extension.

Accordingly, it is now

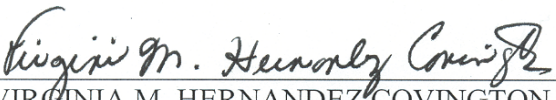
ORDERED, ADJUDGED, and DECREED:

- (1) Plaintiff is directed to file the Controlling Complaint by July 20, 2012.

(2) Plaintiff's Motion for Leave to Consolidate Pending Motions in Previous Case (Doc. # 20) is **GRANTED**.

(3) Plaintiff's Motion for Extension of Time to Serve Process on All Un-Served Defendants in Lead Case (Doc. # 21) is **GRANTED** as stated above.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 5th day of July 2012.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel and Parties of Record